

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**RAUL ARCHULETA, ISAAC MARTINEZ,
TRINA SUAZO-MARTINEZ, DANIEL
FRANK, MICHELLE CORIZ, ADRIANNA
MARTINEZ, VALLERIE LAMBERT,
and SAM SPROW,**

Plaintiffs,

vs.

**TRIAD NATIONAL SECURITY, LLC, d/b/a
LOS ALAMOS NATIONAL
LABORATORY, and THOMAS MASON,**
Director of Los Alamos National Laboratory, in
his official capacity,

Defendants.

Case No. 1: 21-cv-01030 KWR/SCY

**DEFENDANTS' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF RESPONSE IN
OPPOSITION TO PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Evid. 201, and in support of their Response to in opposition to Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction, Defendants Triad National Security, LLC ("Triad") and Thomas Mason (hereafter, "Defendants"), by and through undersigned counsel, hereby request that the Court take judicial notice of the following document that is a matter of public record:

Transcript of Proceeding, *Andrew Sterling Butters, et al. v. Triad National Security, LLC et. al.*, D-132-CV-2021-00084 (First Judicial District Court, Los Alamos County, New Mexico) (Oct. 15, 2021) (certified transcript of oral ruling by Hon. Jason Lidyrd denying Plaintiffs' Emergency Motion for an Ex Parte Temporary Restraining Order or for a Preliminary Injunction), attached hereto as Exhibit 1.

This document is a matter of public record in the First Judicial District Court of the State of New Mexico. While the Federal Rules of Evidence do not apply to preliminary injunction hearings, *Legacy Church, Inc. v. Kunkel*, 472 F. Supp. 3d 926, 937 (D.N.M. 2020) (Browning, J.) (explaining that the Federal Rules of Evidence do not apply to preliminary injunction hearings), *aff'd sub nom. Legacy Church, Inc. v. Collins*, 853 Fed. Appx. 316 (10th Cir. 2021), Fed. R. Evid. 201(c)(2) offers guidance, providing that a court “must take judicial notice if a party requests it and the court is supplied with the necessary information.” Fed. R. Evid. 201(b) further provides that courts may “judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Additionally, courts may take judicial notice of another court’s opinion “for the existence of the opinion, which is not subject to reasonable dispute over its authenticity.” *The Estate of Lockett by & through Lockett v. Fallin*, 841 F.3d 1098, 1111 (10th Cir. 2016) (quotation marks omitted). Similarly, courts may also “take judicial notice of its own files and records, as well as facts which are a matter of public record.” *Tal v. Hogan*, 453 F.3d 1244, 1264 n.24 (10th Cir. 2006) (quotation marks omitted).

Defendants therefore respectfully request the Court take judicial notice of the Certified Transcript of Proceeding from *Butters v. Triad National Security, LLC et. al.*, D-132-CV-2021-00084 (First Judicial District Court, Los Alamos County, New Mexico) (Oct. 15, 2021).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of October, 2021, I filed the foregoing electronically through the CM/ECF system, which caused all counsel or record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

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